ALLISON DISGUSTED BY KEARNS' ELECTION

Enough to Drive Anybody Into Democratic Party.

INCIDENT IN SENATE

SEVERAL BILLS FAVORABLY REPORTED YESTERDAY.

An unfavorable report from the senate committee on countles and municipai corporations gave an opening yesterday for some cross firing that was about as entertaining as anything that has happened in the upper house for several days. The report was on Senator Tanner's bill, which provides that in cities of the third class the municipal boards for the equalization of taxes shall be done away with, and that the duty shall be performed entirely by the county commissioners.

Senator Howell moved the adoption of the report. He spoke of the difficulty that might be experienced by some people in getting to the meetings of county commissioners, and observed

"It is pleasing to me to note how democratic gentlemen on the other side have become since the senatorial election," said Tanner, smilingly.

"That was enough to drive anybody into the Democratic party, wasn't ft?"

that the present system is more demo-

asked Allison. think the disgust of the inior senator from Weber over the election is only equaled by my chagrin at the failure to elect two years ago," was

Tanner's reply.

"Oh, no," said Allison. "My disgust exceeds your chagrin."

Then Senator Tanner argued so effectively against the adoption of the unfavorable report on his bill that the Howell motion was defeated, and the bill was filed, to come up in its regular profer.

Senator Alder won a distinct victory yesterday in securing the adoption of his bill which eliminates marshals from the list of elective officers in cities of less than 3,000 inhabitants. After Senator Smott had moved to strike out the enacting clause, Senator Alder made his argument. He said it was impossible to elect a good city marshal the second time, and he thought the officer should be appointed by the mayor. In small towns, whenever the marshal arrested anybody, the prisoner was sure to be related to about one-fourth of the voting population, and the result was they always had it in for the officer on election day. less than 3,000 inhabitants. After Sen-

election day.

Smoot argued that if the theory of the bill was correct, it ought to go farther, and provide for the appointment of justices of the peace and constables. He believed the bill was undemocratic, in that it took away from the hands of the people an office they had a voice in. The motion to eliminate the enacting clause was lost, and the the enacting clause was lost, and the bill was passed by a comfortable ma-

Senate bill 32, which came up as a special order, was passed without de-bate. It simply re-enacts the Carey land law, which was inadvertently re-pealed by the last legislature. Another special order was senate bill 61, mak-ing railroads liable for damages caused by sparks from locomotives to buillings and haystacks more than 200 feet from the right of way. After some discus-sion the measure was recommitted to the railroad committee.

Senate bill 100 was taken up by unanimous consent and passed its third reading. It was then laid over to come up today. This is the measure codifying and straightening out the railroad laws of the state.

Bills Reported.

Committees reported favorably on senate bill 64, to provide for a state bureau of immigration, labor and statistics; senate bill 75, relating to the sale of stocks of merchandise; senate bill 65, to provide for the importation of of stocks of merchandise; senate bill 65, to provide for the importation of the German bird known as the "kohl miesen." which is said to destroy or-chard pests; senate bill 54, relating to judgments obtained against county of-Judgments obtained against county of-ficers for taxes; senate bill 52, relating to judgments for taxes; senate bill 53, euthorizing school trustees to levy a tax for the refund of unlawfully col-lected taxes; senate bill 94, to punish fraudulent voting at primaries; senate bill 83, relating to bailiffs in the su-preme court; senate bill 88, relating to fees to be collected by the secretary of tate; house bill 32, providing for the fees to be collected by the secretary of state; house bill 32, providing for the establishment of a state school of mines; house bill 114, giving counties of 1,000 school population the right to establish high schools; house bill 1, giving the state superintendent of public instruction a deputy at a salary of \$600 per year; senate bill 45, providing for the establishment of a department of demestic science at the state universe. of domestic science at the state univer-

sity.

An adverse report was returned on the bill providing for the establishment of the metric system of weights and measures. The committee stated that as congress, had adjourned without taking any action on the subject, it did not seem advisable for Utah to attempt to establish the system single-handed. Bills Introduced.

Bills were introduced as follows: Bills were introduced as follows:
No. 102, by Sherman, by request. To
give boards of education in cities of the
first and second classes the right to
levy a tax of 7 mills for school purposes, instead of 5½ as at present.
No. 103, by Aider. To give the mayors of cities of 3,000 population and under power to appoint marshals by and
with the advice and consent of the
councils.

No. 104, by Lawrence, by request. To authorize the state board of examiners to publish a digest of the first twenty-five volumes of the decisions of the

five volumes of the decisions of the supreme court.

No. 105, by Kiesel. To increase the salaries of the members of the state board of equalization from \$400 to \$750.

No. 106, by Tanner. To assess franchises of corporations the same as any other form of property.

No. 107, by Murdock, by request. If this act is passed it will be possible for people who have purchased land from the state to assign fractional parts of that land to other persons before completing the payments on it.

No. 108, by Murdock. To increase the salary of the state dairy and 'ood inspector from \$600 to \$1,000.

salary of the state dairy and 'ood in-spector from \$600 to \$1,000.

No. 109, by Howell. To create a state board of agriculture, consisting of the governor, state superintendent of public instruction and president of the Agricultural college. This board will assume the duties now performed by the state board of horticulture and

the silk commission.

No. 110. by Murdock. To have the state board of examiners to have all printing and binding done with'n the state if the prices do not exceed those usually charged businers firms and individuals for the same character of work. The bill further requires the publication of all laws and memorials passed by the legislature in some newspaper of general circulation. Under the proposed act county commissioners will be required to publish their proceedings in some county newspaper and to buy their stationery and supplies within their counties, if possible.

Legislative Notes.

The committee on railroads of the sen-

unfavorable report was that the proposi-tion is incorporated in senate bill 100, which was advanced to its third reading yesterday.

S nator Lawrence yesterday secured a reconsideration of the vote by which Senator Alder's bill to classify district attorneys and fix their sciaries was passed. Consideration of the measure was made a special order for this afternoon at 3 o'clock.

It is probable that toward the latter part of the week the senate will begin no.ding morning sessions. The upper house is much further advanced with its work than the lower body and, so far, morning sessions have not been necessary.

Representative Barrett's boiler inspec-tion bill came up yesterday on a motion to reconsider by Representative Holzhel-mer, and was made a special order for 2:30 o'clock Friday afternoon.

A minority report from the committees on railroads and on municipal corporations was filed in the house yesterday on Hamilin's blit for the vestibuling of street cars. The report, which is signed by Representatives D. H. Morris, McGregor and Sharp, recommends that the bill be rejected.

A favorable report was made in the house yesterday by the committee on memorials on the memorial to congress asking for the opening of the Uintah Indian reservation.

The house yesterday passed a resolution of condolence with Representative John L. Bench of Fairview, who reached his home in Fairview Sunday to find that his 7-year-old son, John L. Bench, jr., was dead. The resolution, which was introduced by Representative Anderson and passed unanimously, provided that the house adjourn out of respect for his memory. memory.

Two bills of interest to labor were introduced in the house yesterday. House bill 223, by Hamlin, makes an eight-hour working day mandatory on all public works, violation being declared a misdemeanor. House bill 226, by N. L. Morris, by request, fixes a penalty of not over \$100 fine or three months in jail for interfering with any man in seeking employment or any employer in seeking to hire men. The measure is expected to apply in case of strikes. Mr. Morris says the bill was given him to present by some friends.

The house committee on education made a favorable report yesterday on Repre-sentative Wells' bill. No. 167, to permi-boards of education in cities of the firs and second class to levy a tax of 7 mill for school maintenance and 1½ mills for

TWO FORGED LIENS ON REAL ES-TATE.

Mrs. Harris Files an Action to Have Them Declared Void-How Conway Operated.

Another of the cases wherein the well emembered Porter J. Conway kept himelf in affluent circumstances by methods dark and devious, resulting in his sudden flight to the antipodes, was discovered yesterday by the filing of a suit in the against the fugitive insurance agent and broker, to annul two fraudulent mort-gages on plaintiff's property. Basid.

Langton, McGregor, Morris, N. L., gages on plaintiff's property. Besides Conway, the defendants named in the complaint are S. H. Fields, Zina Martin

complaint are S. H. Fields, Zina Martin and Blanche I. Martin.

Mrs. Harvis sets up in her complaint that she is the owner of 5x3 rods of ground and a house in lot 6, block 8t. plat A. which was formerly the hemestead of William Langton. On Nov. 2, 1859, it is alleged, Conway uttered a fraudulent mortgage on the property to himself, to secure the payment of a promissory note for \$2,700, and after having the forged instrument recorded in the office of the county recorder assigned the note and mortgage to Seward H. Fields.

For a second cause of action, Mrs. Haris alleges that in the month of June last Conway obtained from Zina Martin and Blanche I. Martin a loan of \$1,300 by executing to them a note and mortgage on the same property, purporting to make

ecuting to them a note and mortgage on the same property, purporting to make the plaintiff the mortgagor.

Mrs. Harris charges that she never signed either note or mortgage and never received any consideration for the purported acts of hers. She also charges that her signatures to the instruments are forgeries and that the pretended acknowledgments are likewise fraudulent. She prays for an order of court canceling the notes and declaring the mortgages on her property null and void because of the fraud perpetrated upon her by Conway.

HOTEL RUNNERS QUARREL senate Knutsford Hustler Receiver a Walker House Jolt.

Resenting a slighting insinuation about the merits of the Knutsford, the rush. runner of that hotel and the runner of the Walker House mixed matters at

from the Knutsford man by telling the stranger that the K 'tsford was a "second class hotel." 'w 'liams promptly resented the insinuation about the house he represented. There was a preliminary battle of words, followed hy a sudden movement in the vicinity hy a sudden movement had a sudden movement hy a sudden movement hy a sudden movement hy by a sudden movement in the vicinity of Kraut's right fist. The movement came to a stop just under Williams'

Williams walked away, nursing a lip about twice its normal size. With a contingent of fellow runners he immediately repaired to the police station and swore to a compaint against Kraut. Kraut was notified to appear in police court today and explain.

in police court today and explain.

It has been fully demonstrated that Ely's Cream Balm is a specific for Nasal Catarrh and cold in the head. This distinction has been achieved only as the result of continued successful use. A morbid condition of the membrane in the nasal passages can be cured by this purifying and healing treatment. Sold by druggists, or it will be mailed for 50 cents by Ely Brothers, 56 Warren street, New York. It spreads over the membrane, is absorbed and relief is immediate.

Last Defendant in Water Case.

Last Defendant in Water Case.

The last of the defendants in the big water case, the Jordan Narrows Power company, finished offering direct testimony yesterday before Judge Morse and today Salt Lake City will commence the introduction of rebuttal testimony. The principal canal companies will follow in rebuttal to further establish their rights to Jordan river water in priority to later and rival claimants. The trial will occupy all of this week and a part of next week. The witnesses examined yesterday were Lewis Drake, J. G. Doolittle, H. W. Brown, A. G. Lamson, W. P. Hardesty, W. E. Jacobs and J. Fewson Smith, Jr.

Arrested and Set Free. Western Plowman: If the first cough is properly treated the first step in the direction of consumption arrested, the lungs developed, the breath set free, we need not fear consumption." Kemp's Balsam for the Throat and Lungs is the proper treatment for the Lungs salsam for the Throat and Lungs is the proper treatment for the first cough. No other remedy has saved so many from consumption. Large bottles, 25c. and 50c. For sale by Godbe-Pitts Drug company, Salt Lake

the yesterday returned an unfavorable report on house bill 142, which provides that railroad franchises may be granted for a period of 160 yester instead of fifty years, as, at present. The reason for the week, at Auerbach's Liquidation Sale.

House bill 226, by N. L. Morris, I vides that the right of any persons to solicit, accept or retain a lawful employment of any kind or scription shall not be infringed City, Utah.

JUDGES MAY RIDE ON THEIR PASSES

Anti-pass Bill Killed by the House.

BOUNTIES ON ANIMALS

MANY NEW BILLS INTRODUCED YESTERDAY.

The house yesterday arose and slew the anti-pass bill. This is the measure making it a felony for a judge or justice of the peace, to solicit or accept a pass. It was introduced by the committee on judiciary and drawn by ex-Senator Arthur Brown.

House bill 173, as it is known, came up regularly on the house calendar. Axton leaped to his feet with a mo-tion to strike out the enacting clause. There was a disposition to do this without debate, but Van Horne, chairman of the judiciary committee, urged the members not to be too hasty. "One of the most important things in our government," he said, "is that there be confidence in the judiciary. So far as I know, the concensus of opinion is that this bill should pass. I don't believe the present judges are influenced by passes, but judges, like Caesar's wife, should be above sustained."

Langton also favored the bill. "We pay the judiciary traveling expenses for the very purpose that they may live above suspicion." he declared. Harmon and Kelly both thought the bill should be amended so as to apply to all members of the legislature and state officers. Van Herne weg

and state officers. Van Horne was ready to accept this, but the amendment was not allowed to be put.
"This bill is petty," declared Axton.
"We might as well forbid the judges' wives going to pink teas."

Bill Was Killed. Van Horne angrily denied this. Page favored including members of the legislature and state officers.

A vote was taken on the question of striking out the enacting clause, resulting as follows (the ayes being those in favor of killing the bill):

Ayes. Lambert, Maughan, McFarkand, McMillan, Mohr, Phillips, Redd, Sharp, South, South, Fry.
Gardner,
Hamlin,
Harmon,
Hatch,
Hewlett,
Holzheimer, Stuart, Van Wagenen, Wells, Williams,

The house held three sessions yester-day, working morning, noon and night. Bounty Bill Passed.

The act providing for a bounty on beasts of prey was passed. This is house bill 67, by Cutler, which contains in general the provisions favored by the

National Livestock convention.

It provides an appropriation of \$10,000 annually for two years, out of which shall be paid a bounty of \$4 on each coyote killed, \$1.50 for each lynx or wild

coyote killed, \$1.50 for each lynx or wild cat, and \$5 for each bear, mountain lion or wolf, other than coyote.

Anderson tried in vain to get a rider attached, giving a bounty for trees destroyed in fighting the San Jose scale. Harmon said he and other Democrats wanted to help the sheepmen, and would vote for the bounty.

Van Horne proposed an amendment to divide the amount paid out for

Other bills passed were: House bill 175, a substitute for senate bill 8, relating to remitting the taxes of indigent persons; house bill 174, by Smith, rethe Walker House mixed matters at the Rio Grande depot yesterday aftermoon in lively fashion. As a result of the mix George Williams, the hustler for the Knutsford, is wearing a damaged lip and the name of William Kraut, the runner for the Walker House, is on the police docket with a charge of assault and battery placed against it.

Williams and Kraut, it is alleged, have not been friendly at any time and yesterday the storm was precipitated when, as it is alleged, Kraut attempted to allure away a prospective guest from the Knutsford man by telling the stranger that the K tsford was a "second class hotel." Williams prompt-ly reserved the incinner.

Bills Introduced.

Yesterday was the last day for introducing new bills without consent of two-thirds of the members. Several

new measures came in new measures came in.

House bill 216, by Smith, making it unlawful to dock the tail of any horse, and fixing a penalty therefor. The penalty for docking a horse's tail is one year's confinement in jail, or a fine of not less than \$100, nor more than \$300. If a horse is found with the bone of its tail cut and the wound unhealed, then the premiers or in the cystody of upon the premises or in the custody of any person, such fact is made prima-facie evidence that the person who ac-cupies or has use of the premises is cupies or has use of the premises is guilty of the offense. The fines, less the cost of prosecution, are to go the Utah Humane society. The society is given authority to kill diseased or disabled animals worth not over \$5.

House bills 217 to £20, inclusive, by Anderson, by request. These are duplicates of senate bills 96 to 99 inclusive, by Allison providing for the establishby Alison, providing for the establishment of a municipal court in cities of the second class, applying to Ogden.

House bill 221, by Harmon, authorizing the creation of a domestic science department in the University of Utah,

House bill 226, by N. L. Morris, provides that the right of any person or

None

means of threat, intimidation, or any species of prevention or violence from any person whomsoever. No person is to be prevented from hiring any other person. The penalty for violation is a fine not over \$100 or imprisonment not to exceed three months in jail.

House bill 227, by Axton. Requiring the marking of explosives, inflammable substances and dangerous chemicals. House bill 228, by Axton. Describing an infernal machine and prescribing penalties for the construction of any such machine, sending, delivering or having it in possession. The penalty is imprisonment in the penitentiary for a term not to exceed twenty-five years. is imprisonment in the penitentiary for a term not to exceed twenty-five years. House bill 229, by Wells, by request. Amending section 1257 of the revised statutes, relating to the sales of intoxicating liquors. The act provides for closing of all saloons between midnight and 6 a. m., and on all election days, except school election days. Violation is made a misdemeanor.

House bill 230, by Axton. Amending sections 2627 revised statutes, in relation to the redemption of real property. The act provides that when two or more persons are interested in a piece of property, either may redeem the property in which he is interested.

PROMISED TO REFORM. Mrs. Bullock Says Her Husband

Broke His Pledge. Judge Stewart was engaged yesterday in the trial of the divorce case of Matilda A. Bullock against Joseph H. Bullock. At the hour of adjournment only the plaintiff and Wells Clark had been examined and the trial will be resumed this morning. Ray Van Cott is attorney for Mrs. Bullock and D. H. Wells is counsel for defendant.

Ray Van Cott is attorney for all and be lock and D. H. Wells is counsel for defendant.

The action was commenced last July, the plaintiff alleging that her husband was an habitual drunkard; that for five years past he had neglected to provide for her support and that he had treated her cruelly by making threats against her life. The couple were married in this city in June, 1877, and they have nine children, ranging in age from 3 years to 22. Mrs. Bullock demands a separation from her husband, the custody of the minor children and an equitable division of the property.

The defense is a general denial of the material allegations.

An important point in controversy at the trial yesterday was the agreement Mr. and Mrs. Clark made some months ago to put aside their differences and resume the marriage state, the principal consideration being that the defendant should break off his drinking habits and turn in and hustle for the family living. This agreement was in writing and Mrs. Bullock swore that her husband had torn it up and broken the pledges he had made.

made.

Mrs. Bullock was on the witness stand a large part of the day and her answers on cross-examination showed that she is about as sarcastic a witness as has been heard to testify in a divorce case for a ong time. The parties to the suit live

DISTRICT COURT NOTES.

Late yesterday afternoon the trial of the lien foreclosure case of the Sierra Nevada Lumber company against J. F. McLachlan and S. M. Whitmore was concluded before Judge Hall and the issues were submitted for decision.

The trial of the case of Homer Duncan against Benta C. Anderson to quiet title to certain real estate was commenced late yesterday afternoon before Judge Hall. McMaster & Casey are counsel for the plaintiff and Nye & Thomas are attorneys for the defendant.

By consent of the parties in interest, Judge Hall yesterday ordered a decree of final distribution entered in the matter of the estate of Emma J. Stewart, deceased. There was a contest between the heirs over a final decree.

Morton Lee Lewis, his father, to act as guardian for him, so that he may be prepared to receive a sum of money from the estate of Martha Morton Dawes, who died recently in Brooklyn, N. Y. The petition will be heard on Wednesday.

A. J. Duke, a creditor of the estate of Lois V. A. Crosby, deceased, yesterday applied to the district court for the appointment of Rev. Richard Wake as administrator of the estate of the estate of the district court for the appointment of Rev. Richard Wake as administrator of the estate of the decedent. The property is alleged to be worth \$325 and the heirs are the husband and three minor children. March 15 was set for hearing the petition. hearing the petition

MAYOR AUSTIN'S ILLNESS Physicians Decide No Operation is

Necessary. Mayor George Austin of Lehi is at St. Mark's hospital in this city undergoing medical treatment for what it was feared Van Horne proposed an amendment to divide the amount paid out for bounty between the state and the county in which the animal is killed, claiming that Salt Lake would otherwise be forced to pay an unfair portion of the tax.

Page said he and others had helped kill off the coyotes in Salt Lake county, and he thought it only fair that Salt Lake help out now on the other counties.

Lambert wanted a 25-cent bounty on squirrels, and was finally given leave to introduce a separate bill to that effect. Cutler's bill was finally passed.

Bills Passed.

Other bills passed were: House bill 175, a substitute for senate bill 8, relating to remitting the mount of the taxes of indigent.

DRUNKEN MAN'S RAMPAGE Raised a Rough House and Gave Officers a Chase.

A drunken man created some excitement in the vicinity of Vine street yesterday afternoon by trying to raise a rough house at his sister's home, by giving the police a lively chase and attempting to stand them off with a cobble stone. The man gave his name at the police station as

gave his name at the police station as Thomas Hendrickson.

Hendrickson, who, it is alleged, acquires jags on frequent occasions, went home yesterday afternoon under the influence of liquor and began to abuse his sister in language that could not be found in Sunday school literature. It is alleged that the proceedings became so stormy that some of the neighbors became alarmed and a telephone message was quickly sent to the police station.

Officer Eddington hurried to the hurry-up wagon warned Hendrickson that the blue coats were on his trail, and as they hove in sight he made a dash up the hill. Officer Eddington, who is something of a sprinter, followed in a lively chase. The fleeing man picked up a cobble stone in his flight and threatened to throw it at the officer, but he was so closely pursued that he had to seek a shed nearby for protection. The officer rushed upon him before he could barricade himself and placed him under arrest.

Hendrickson then quietly submitted and went with the officer to the police station, where he was locked up on a charge of drunkenness.

Big Judgment Revived.

An old judgment was revived in the district court yesterday, when Judge Morse decided that Josephine M. L. d'Adhemar was entitled to collect from the Comet Mining company of Utah the sum of \$\fomage\$0.3. The defendant company is an old French corporation and its property is located in Beaver county. It was in default for failure to answer the complaint. The action passed to judgment originally in December, 1891, when the amount claimed was \$23,443.97.

Some Foolish People

department in the University of Utah, and appropriating \$2,000 a year therefor for two years.

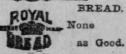
House bill 222, by G. W. Johnson, appropriating \$500 for a fish hatchery at Panguitch lake, Garfield county.

House bill 223, by Hamlin, amending section 1336 of the revised statutes, fixing eight hours as a day's work on all public works, and making it a misdemeanor to require or permit any person to work longer.

House bill 224, by Van Horne. Prohibiting the sending of infernal machines, and making the penalty for violation imprisonment for not less than ten nor more than forty years.

House bill 225, by Kelly. Raising the salaries of the state board of equalization from \$400 to \$800 and giving the secretary \$1,100.

ROYAL



ELECTION CONTEST

Committee Waiting for Further In structions.

POSITION OF DEMOCRATS

REPUBLICANS ON A FISHING EXPEDITION.

After a spirited debate over a mo tion by Senator Kiesel to throw the Ellison-Barnes election contest case out of the senate, the upper house yesterday decided to continue the talk as a special order for 4 o'clock this afternoon. The gab-fest grew out of a request from the committee on elections for further instructions.

in all fairness, should give him a chance.

"To show you the utter tomfoolery of such affidavits as have been presented," Senator Allison continued, "I cite you the affidavits of Lon Coombs and Sarah Coombs, Sarah being probably Lon's wife. They make exactly the same statement, in exactly the same words, about an occurrence that transpired months and months ago. This is something unparalleled in the history of the world's jurisprudence.

"And look at the absurdity of it. They testify that they were ordinarily Democrats, and yet, when they are told that if they vote the Democratic ticket their votes will be challenged, they vote against their convictions. Does that "In our last report," said the committee, "your committee recommended that the state pay the cost of the contest. That report was rejected. Now the contestee declines to pay any costs. As we understand it, the \$500 hereto fore appropriated by the senate was to be used only for the payment of an extra sergeant-at-arms and an extra clerk. We are, therefore, without funds to proceed, and we ask your honorable body for further instructions."
"I move that the election contest be dismissed," said Senator Kiesel,

promptly "Can the senator from Weber give a reason for that motion?" asked Alli-

Case Without Merit.

"Because we don't want to spend the money of the state for the benefit of designing Republican politicians," was the response. "We have a lot of work on hand and I don't think this case has any merit, anyway."

"I am astonished at my colleague from Weber," replied Allison. "Ordinarily he is level-headed. I am astonished that he should say the contest is a frivolous one. In order to frame an opinion on any question which is a disputed question of fact, it ought to be necessary to hear some evidence. As a general rule I am in favor of discouraging election contests, unless some with consideration of appointments of assistants for several of the county officers, matters pertaining to roads and miscellaneous business, leaving the afternoon for discussion over the As a general rule I am in favor of discouraging election contests, unless some glaring fraud has been perpetrated.

"But the cost of this hearing should not be great. I am told that \$50 will pay all the bills of the contestee for witnesses and all the expenses of those witnesses. If you throw out this contest you will establish a precedent and some day it may return to plague you."

you."
"Oh, no; we are merely following a precedent," interjected President Evans, referring to the Utah county contests of 1896, when the Republican house refused to go behind the returns. "We are not following any precedent that I know anything about," returned Allison. "The Utah county contests in the house can't establish a precedent for the senate."

for the senate.' Senator Tanner made a strong argu-Senator Tanner made a strong argument in favor of the adoption of Senator Klesel's motion. He said he thought the contest should be dismissed, for the reason that the committee should not go behind the returns. If this was allowed, though, he believed that Senator Barnes would retain his seat by a bigger majority than that showed for him at present.

A Fishing Expedition.

"The Republicans nope," said Tan-er, "that the judgment of the com-

ner, "that the judgment of the committee will differ from the judgment of the judgment of the judges of election on certain disputed ballots. They are on a fishing excursion, nothing else."

At this point Senator Tanner read a number of affidavits bearing on the dispute. The first was from W. G. Smith and J. F. Little, judges of Milton precinct, in Morgan county, where it was alleged five votes that should have been counted for Ellison were not counted at all. This was denied by the judges. They swore that only one ballot was rejected, and this for the reason that the voter had placed his cross at the top of two different tickets, and it was, therefore, impossible to tell was, therefore, impossible what his intention was. W. H. Bate-man and William Young, judges at Pe-terson precinct, in Morgan county, swore that every ballot there was counted. Henry Mole and Alf London, who were judges in Croyden precinct testified by affidavit that all the ballots there were counted except one, and in this instance the voter attempted to

in this instance the voter attempted to chose two full tickets.

R. N. Watts, who, it was claimed, voted illegally in South Weber precinct of Davis county, made affidavit that for nearly forty years he had been a resident of the voting district in which he cast his ballot, and that he had complied with all the requirements of the law. From Lon Coombs and Sarah Coombs came affidavits that they ordinarily yote the Democratic ticket. ordinarily vote the Democratic ticket. They were informed, though, that if they attempted to vote the Democratic ticket last November their votes would be challenged. With this staring them in the face they voted for Ellison.

No Fraud Committed.

"This contest was brought," resumed Senator Tanner, "because the election was close, and not because any fraud was committed. There are irregulari election, but these irregularities do not constitute fraud. If the senate committee counts those ballots its members will be acting as judges. You Republicans propose to force this committee to decide whether the judges acted rightly or not. There is no charge

of fraudulent voting."

Chairman Murdock of the elections committee announced that he was against the proposition to go behind the returns. It was true that he had asked returns. It was true that he had asked for an appropriation for this purpose, but he had changed his mind. "I consider that it would be establishing a dangerous precedent for the senate to take such a step," said Murdock. "Any man could make a few allegations, agree to pay the expenses of his side of a contest and put the state to thousands of dollars of expanse needlessly." sands of dollars of expense needlessly. "I wish to say that as a member of the elections committee," said Senator Alder, "I was among the last to agree to go behind the returns. The judges of election certified to its fairness, and all political parties, under the law, were represented in their numbers. Republican judges as well as Democratic judges certified to the correctness of

judges certified to the correctness of the returns.

"It was only when I remembered that the constitution, the organic law of the state, said that the legislature is the sole judge of the qualifications of its members, and that the senate is the only place that the contestant could get a hearing, that I consented to go on with the case. Nothing but simple justice will ever drive Senator Barnes from his seat in this chamber. If the evidence shows that he is entitled to his seat, there is no power on earth that seat, there is no power on earth that could make nie vote against letting him retain it. I believe the \$500 already appropriated will be enough to pay all the expenses on both sides of the contest.

A Republican Precedent.

Senator Smoot was the next speaker. "The junior senator from Weber," said a per second to the Utah county contests in the house, and says they were in no way binding on the senate. I wish to say to him that the Republicans of the house and senate in 1896 agreed, after six ballot boxes had been prought, here from districts in Utah. brought here from districts in Utah county, not to open those boxes or to count the ballots. I presume Senator Allison was there, for all the Republican senators who were doing their duty attended the caucus."



Senator Allison seemed very much surprised when informed of the 1896 aucus. He declared that he never at-

against their convictions. Does that seem reasonable? These affidavits have never been read before the committee. The hearing has now been delayed from

time to time for political purposes. I don't believe, if Senator Barnes was in Mr. Ellison's position, that he would have been denied a hearing from a Democratic senate."

Democratic senate."
At the conclusion of Senator Allison's speech it was 6:15 o'clock, and, on Lawrence's motion, further debate was made a special order for this afternoon

COUNTY AFFAIRS. Appointments and Petitions Consid-

ered by Commissioners.

The morning session of the county

ommissioners vesterday was taken up

pointment of James F. Smith as second

deputy in his office was referred.
County Clerk James' appointment of C. F. Emery as a deputy was confirmed to take effect March 8, succeeding

been naid if at all by the precedi

definition and that the county furnishes the city elevator service and lights in value far exceeding the amount of water claim.

A numerously signed petition de-manding that the county compel Salt Lake City to remove the restriction on driving livestock through Parley's can-

yon to prevent pollution of the water, was referred to the committee on

C. M. Hendricksen and a large number of others petitioned for the opening of a new road from Draper to Sandy. The petition was referred.

Superintendent Whipple of the county infirmary reported that during February ten patients had been admitted, five had been discharged and three died, leaving ninety-six inmates on March 1.

ANOTHER IMPROVEMENT IN

EPHONE COMPANY.

talked to.

TELEPHONE RATES BY THE

ROCKY MOUNTAIN BELL TEL-

Two-thirds of all the telephones on

the Pacific Coast, and about 50 per cent throughout the East, are on "Measured

Did Not Know the Law.

Did Not Know the Law.

In police court yesterday Phil Mulhall, the first victim of the bike ordinance this year, was given a hearing. The young man explained that he had been away from the city for several months and was not apprised of the change in the restricted district. The judge warned him to post himself on the new condition and with the understanding that he would confine his riding to the streets he allowed him to go.

W. B. Wells, the wealthy easterner who was out with a big roll and a jag last Saturday night and was taken in by Officer Williams to prevent him losing some of his wealth, contributed \$5\$ to the city treasury by failing to appear.

Warrants for Wheelmen.

Warrants for Wheelmen.

In pursuance of the crusade against violators of the bike ordinance, three warrants for the arrest of offenders were issued yesterday. The warrants were for Hans Anderson and Roy and Robert Mitchell, three laborers. The complaints were sworn to by Chief of Police Hilton. The warrants for the arrest of the triowere placed in the hands of Officer Davies for service.

Rockefeller Arraigned.

Ed Rockefeller, the young lad who was arrested Saturday afternoon, with several other boys, charged with stealing rabbits, was arraigned before Judge Timmony yesterday on a charge of receiving stolen property. He entered a plea of not guilty and his hearing was set for today at 2 p. m. In default of \$100 bonds he was sent to the county jail.

A Bad Breath Is the most disgusting thing one can be afflicted with. It is nauseating to those with whom you come in contact.

Godbe-Pitts Drug company, Salt Lake

those with whom you come in con Lane's Tea, taken at night, will the stomach and bowels in their pr condition and make your breath c 25c. and 50c. a package. For sale

"Measured Service." for

Residences, Rent, \$1.00 per month, and 5c for each call. If calls exceed \$1.50 per month, the excess to be equally divided with the subscriber. No charge to be

at 4 o'clock.

STREET CAR LINES

Residents Want Salt Lake Com-

caucus. He declared that he never attended such a gathering, and never so much as heard of it. Then the Weber county senator proceeded to attack Senator Tanner's argument and the affidavits be had presented. He declared that it was entirely ex parte in characters and the senate should pay no attention to it. Ellison had tried to get into the courts with his case, but had been denied a hearing, and the senate, in all fairness, should give him a chance. pany's Extension.

ROASTED RAPID TRANSIT

COUNTY COMMISSIONERS CON-SIDER PETITIONS.

Several score of residents of Forest Dale appeared before the county commis sioners yesterday afternoon to resist the granting of the petition of the Rapid Transit company to occupy Eleventh South street with a car line to connect the State street line with an extension of the Calder's park line north on Seventh East street. The same persons urged the granting of the franchise to the Salt Lake City Railroad company to extend its Seventh East street line south to the park. Individually and by petition, they represented 300 or 400 residents of the suburbs

and miscellaneous business, leaving the afternoon for discussion over the petitions of the Rapid Transit company and the Salt Lake City Railroad company for franchises to occupy Seventh East street and of the former company to build a connecting line on Eleventh South.

County Assessor Eldredge submitted the appointment of the following as additional field deputies at a salary of \$3 a day each for the fourteen to twenty-eight working days they will be employed: C. M. Hendrickson, Draper: Sam Howard, Riverton: Emil Hartviksen, Sandy; W. H. Haigh, Taylorsville; B. L. Cutier, West Jordan; Carlos Poulton, Granger; James Osguthorpe, East Mill Creek; David Guest, Mill Creek; Edward Tame, Murray; N. D. Jensen, Mill Creek; James Nielson, Big Cottonwood; C. P. Nielson, Hunter; George E. Lee, Bingham. The assessor also submitted the appointment of L. A. Angell, J. J. Acomb and Guy Eldredge as office men at the regulation salary for the first two and \$2.50 daily for the latter. The appointments were confirmed.

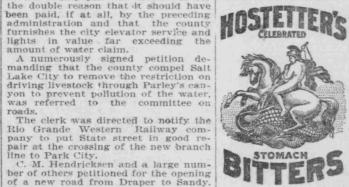
County Attorney Christensen's appointment of James F. Smith as second deputy in his office was referred.

President Cameron of the Rapid Transit company expressed the hope that the commissioners would not prevent his company from improving its service southeast of the city and helping to build up that section by the inducement to homeseekers of a quick and convenient transit to and from all parts of the city. At the conclusion of the hearing it was apparent that the Salt Lake company's extension is favored more by the restents and property-owners in the locality to be benefited than is the Rapid Transit company's project.

Death of Moody's Friend.

ed to take effect March 8, succeeding Albert J. Seare.
Calvin S. Buckwalter was confirmed as chief janitor and Elias C. Evans as assistant janitor of the county offices. John T. Alexander applied for appointment as justice of the peace of Hunter precinct. The applicant was elected to the office last November, but failed to qualify. He will be notified to make ready to fall into the vacant place by appointment. East Northfield, Mass., March 4.-Major Daniel W. Whittle, aged 60, forplace by appointment.

The claim of Salt Lake City in the sum of \$292 for water service last year at the county jail was disallowed for the double reason that it should have nerly of Chicago, and for many years the friend and associate of the late the friend and associate



on unhealthy stomach. Strengthen your digestive organs and into proper ac-Bitters. It will

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This fine weather makes one think of painting up.

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